

Date of most recent action: March 26, 2013

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction

Done: Washington, London and Moscow April 10, 1972

Opened for signature: In accordance with Article XIV, paragraph 1, the Convention was open to all States for signature until its entry into force and any State which did not sign the Convention before its entry into force may accede to it at any time.

Entry into force: March 26, 1975

In accordance with Article XIV, paragraph 2, the Convention is subject to ratification by signatory States. Article XIV, paragraph 3 provides for entry into force of the Convention after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention [Russian Federation, United Kingdom, United States]. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of the Convention, it shall enter into force on the date of deposit of their instruments of ratification or accession.

Note: This status list reflects actions at Washington only.

Legend: (no mark) = ratification; **A** = acceptance; **AA** = approval; **a** = accession; **d** = succession; **w** = withdrawal or equivalent action

Participant	Signature	Consent to be bound		Other Action	Notes
Afghanistan	April 10, 1972				
Albania		June 3, 1992	a		
Algeria		September 28, 2001	a		
Argentina	August 7, 1972	November 27, 1979			
Armenia		June 7, 1994	a		
Australia	April 10, 1972	October 5, 1977			
Austria	April 10, 1972	August 10, 1973			¹
Azerbaijan		February 26, 2004	a		
Bangladesh		March 12, 1985	a		
Barbados	February 16, 1973	February 16, 1973			
Belgium	April 10, 1972	March 15, 1979			
Belize		November 25, 1986	a		
Benin	April 10, 1972	April 25, 1975			
Bhutan		June 8, 1978	a		
Bolivia	April 10, 1972	October 30, 1975			

Bosnia and Herzegovina		August 15, 1994	d		2
Botswana	April 10, 1972	February 5, 1992			
Brazil	April 10, 1972	February 27, 1973			
Bulgaria	April 10, 1972	September 13, 1972			
Burkina Faso		April 17, 1991	a		
Burma	April 10, 1972				
Burundi	April 10, 1972				
Cambodia	April 10, 1972	March 9, 1983			
Cameroon		January 18, 2013	a		
Canada	April 10, 1972	September 18, 1972			
Central African Republic	April 10, 1972				
Chile	April 10, 1972				
China		November 15, 1984	a		3
Colombia	April 10, 1972	December 19, 1983			
Congo, Rep. of		October 23, 1978	a		
Congo, Dem. Rep. of	April 10, 1972	January 28, 1977			
Costa Rica	April 10, 1972	December 17, 1973			
Côte d'Ivoire	May 23, 1972				
Croatia		April 28, 1993	d		4
Cyprus	April 10, 1972	November 13, 1973			
Czech Republic		September 29, 1993	d		5
Denmark	April 10, 1972	March 1, 1973			
Dominican Republic	April 10, 1972	February 23, 1973			
Ecuador	June 14, 1972	March 12, 1975			
El Salvador	April 10, 1972	December 31, 1991			
Equatorial Guinea		July 29, 1992	a		
Estonia		June 21, 1993	a		
Ethiopia	April 10, 1972	June 26, 1975			
Fiji		September 4, 1973			6
Finland	April 10, 1972	February 4, 1974			
France		September 27, 1984	a		
Gabon		August 16, 2007	a		
The Gambia	November 9, 1972	August 1, 1997			
Germany	April 10, 1972	April 7, 1983			
Ghana	April 10, 1972				
Greece	April 12, 1972	December 10, 1975			
Guatemala	May 9, 1972	September 19, 1973			
Guyana	January 3, 1973	March 26, 2013			
Haiti	April 10, 1972				

Holy See		January 7, 2002	a		7
Honduras	April 10, 1972	March 14, 1979			
Hungary	April 10, 1972	December 27, 1972			
Iceland	April 10, 1972	February 15, 1973			
India	January 15, 1973	July 15, 1974			8
Indonesia	June 20, 1972	April 1, 1992			
Iran	April 10, 1972	August 22, 1973			
Ireland	April 10, 1972	October 27, 1972			9
Italy	April 10, 1972	May 30, 1975			
Japan	April 10, 1972	June 8, 1982			
Jordan	April 10, 1972	June 2, 1975			
Korea, Rep. of	April 10, 1972	June 25, 1987			
Kuwait	April 14, 1972	July 18, 1972			10
Laos	April 10, 1972	March 22, 1973			
Lebanon	April 10, 1972	June 13, 1975			
Lesotho	April 10, 1972				
Liberia	April 10, 1972				
Liechtenstein		May 30, 1991	a		
Luxembourg	April 12, 1972	March 23, 1976			
Macedonia		April 23, 1997	d		11
Madagascar		March 7, 2008	a		
Malawi	April 10, 1972				
Malaysia	April 10, 1972	September 26, 1991			12
Mali	April 10, 1972	November 25, 2002			
Marshall Islands		November 15, 2012	a		
Mauritius	April 10, 1972	August 7, 1972			
Mexico	April 10, 1972	April 8, 1974			13
Moldova		January 28, 2005	a		14
Mongolia	April 10, 1972	September 5, 1972			
Morocco	May 3, 1972				
Nauru		March 5, 2013	a		
Nepal	April 10, 1972				
Netherlands	April 10, 1972	June 22, 1981			15
New Zealand	April 10, 1972	December 13, 1972			
Nicaragua	April 10, 1972	August 7, 1975			
Niger	April 21, 1972	June 23, 1972			
Nigeria	December 6, 1972	July 3, 1973			
Norway	April 10, 1972	August 1, 1973			
Oman		March 31, 1992	a		
Pakistan	April 10, 1972	October 3, 1974			
Palau		February 20, 2003	a		
Panama	May 2, 1972	March 20, 1974			
Papua New Guinea		March 16, 1981	a		

Paraguay		June 9, 1976	a		
Peru	April 10, 1972	June 11, 1985			
Philippines	April 10, 1972	May 21, 1973			
Poland	April 10, 1972	January 25, 1973			
Portugal	June 29, 1972	May 15, 1975			
Romania	April 10, 1972	July 25, 1979			
Russian Federation	April 10, 1972	March 26, 1975			16
Rwanda	April 10, 1972	May 20, 1975			
San Marino	September 12, 1972	March 17, 1975			
Saudi Arabia	April 12, 1972	May 24, 1972			
Senegal	April 10, 1972	March 26, 1975			
Serbia and Montenegro		June 5, 2001	d		17
Seychelles		October 16, 1979	a		
Sierra Leone	November 7, 1972	June 29, 1976			
Singapore	June 19, 1972	December 2, 1975			
Slovak Republic		June 10, 1993	d		18
Slovenia		August 20, 1992	d		19
South Africa	April 10, 1972	November 3, 1975			
Spain	April 10, 1972	June 20, 1979			
Sri Lanka	April 10, 1972	November 18, 1986			
Sudan		November 7, 2003	a		
Suriname		April 9, 1993	a		
Sweden	February 27, 1975	February 5, 1976			
Switzerland	April 10, 1972	May 4, 1976			20
Thailand	January 17, 1973	May 28, 1975			
Timor-Leste		May 5, 2003	a		
Togo	April 10, 1972	November 10, 1976			
Tunisia	April 10, 1972	May 18, 1973			
Turkey	April 10, 1972	November 5, 1974			
Turkmenistan		March 8, 1996	a		
Uganda		May 12, 1992	a		
United Kingdom	April 10, 1972	March 26, 1975			21
United States	April 10, 1972	March 26, 1975			
Uruguay		April 6, 1981	a		
Venezuela	April 10, 1972	October 18, 1978			
Vietnam					22
Yemen					23

¹ The Austrian ratification contains the following reservation:

“Considering the obligations resulting from its status as a permanently neutral state, the Republic of Austria declares a reservation to the effect that its co-operation within the framework of this Convention cannot exceed the limits determined by the status of permanent neutrality and membership with the United Nations.

“This reservation refers in particular to article VII of this Convention as well as to any similar provision replacing or supplementing this article.”

² Date of receipt of notification of succession by Bosnia and Herzegovina. The former Socialist Federal Republic of Yugoslavia signed the Convention on April 10, 1972 and deposited an instrument of ratification on October 25, 1973.

³ On February 9, 1973, an instrument of ratification was deposited in the name of the Republic of China. Effective January 1, 1979, the United States recognized the People’s Republic of China as the sole legal government of China. The authorities on Taiwan state that they will continue to abide by the provisions of the treaty and the United States regards them as bound by its obligations.

The Embassy of the Union of Soviet Socialist Republics made a statement regarding ratification of the Convention by the Republic of China. A translation of the Embassy’s note, dated October 4, 1973, reads as follows:

“The Embassy of the Union of Soviet Socialist Republics refers to the Department of State’s Note dated April 6, 1973, regarding the deposit by a representative of Chiang-Kai-Shek of an instrument of ratification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, and hereby confirms the position of the Soviet Union regarding the illegality of the above-mentioned act, inasmuch as the Chiang-Kai-Shek clique does not represent anyone and does not have the right to act in the name of China; the government of the Chinese People’s Republic is the sole representative of China.”

The United States received a note from the Embassy of the Republic of China, dated December 28, 1973, which reads as follows:

“The Ambassador of the Republic of China presents compliments to the Secretary of State and has the honor to acknowledge the receipt of the Secretary’s note, with enclosures, dated November 27, 1973, concerning the deposit of instruments of ratification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction by Yugoslavia and Cyprus.

“As regards the statement of the Embassy of the Union of Soviet Socialist Republics, the Ambassador wishes to express that the Republic of China is a sovereign state and its Government in exercising its sovereignty has the right to sign and to ratify the Convention. The said Soviet statement is malicious and invalid and should, therefore, be rejected.

“The Ambassador will appreciate it if the Secretary would be good enough to convey the contents of this note to the Governments concerned.”

The instrument of accession by the People’s Republic of China includes statements, a translation of which reads as follows:

“Mr. Secretary of State,

“I have the honour to inform you that, in compliance with the decision of the Standing Committee of the National People’s Congress, Li Xiannian, President of the People’s Republic of China, has ratified the accession of the People’s Republic of China to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction concluded in Washington, London and Moscow on 10 April 1972. The Government of the People’s Republic of China states as follows:

“1. The basic spirit of the Convention on the Prohibition of Biological Weapons conforms to China’s consistent position and is conducive to the efforts of the world’s peace-loving countries and peoples in fighting against aggression and maintaining world peace. China once was one of the victims of biological (bacteriological) weapons. China has not produced or possessed such weapons and will never do so in the future. However, the

Chinese Government considers that the Convention has its defects. For instance, it fails to provide in explicit terms for the “prohibition of the use of” biological weapons and the concrete and effective measures for supervision and verification; and it lacks forceful measures of sanctions in the procedure of complaint against instances of violation of the Convention. It is the hope of the Chinese Government that these defects may be made up or corrected at an appropriate time.

“2. It is also the hope of the Chinese Government that a convention on complete prohibition and thorough destruction of chemical weapons will soon be concluded.

“3. The signature and ratification of the Convention by the Taiwan authorities in the name of China on 10 April 1972 and 9 February 1973 are illegal and null and void.

“Please accept, Mr. Secretary of State, the assurances of my highest consideration.”

⁴ Effective date of succession to the Convention by Croatia is October 8, 1991; the former Socialist Federal Republic of Yugoslavia signed the Convention on April 10, 1972 and deposited an instrument of ratification on October 25, 1973.

⁵ Effective date of succession by the Czech Republic is January 1, 1993; the former Czechoslovakia signed the Convention on April 10, 1972 and deposited an instrument of ratification on April 30, 1973. On December 31, 1992, at midnight, Czechoslovakia ceased to exist and was succeeded by two separate and independent states, the Czech Republic and the Slovak Republic.

⁶ Fiji signed the Convention at London on February 22, 1973.

⁷ The instrument of accession by the Holy See was accompanied by a declaration, which reads as follows:

“The Holy See, by acceding to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC), which was adopted by the General Assembly of the United Nations on 16 December 1971 and entered into force on 26 March 1975, wishes to encourage the whole International Community resolutely to pursue the paths leading to a system of disarmament of weapons of mass destruction, as part of the process of global and complete disarmament.

“The tragic events of 11 September 2001 have led to a clearer and more widespread awareness of the need to build a culture of multilateral dialogue and a climate of trust among all members of the human family. At this particular point in history, instruments of cooperation and prevention constitute one of the most effective safeguards in the face of heinous acts such as the use of biological weapons, capable of indiscriminately striking at innocent civilian populations.

“In conformity with its own nature and the specific condition of Vatican City State, the Holy See, by its solemn act of accession, wishes to offer its moral support to the commitment of all States to promote a practical implementation of the Convention in question, aware that the establishment of a culture of peace and of life is based upon the values of responsibility, solidarity and dialogue.

“From the Vatican, 4 December 2001”

⁸ At the time of signature, the Ambassador of India made a statement which reads as follows:

“On the occasion of its signature of the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, the Government of India would like to make the following statement of its position.

“2. India has stood for the elimination of both chemical and bacteriological (biological) weapons. However, in view of the situation that developed in regard to the discussions concerning biological and chemical weapons, it became possible to reach agreement at the present moment on a Convention on the elimination of biological and toxin weapons only. Negotiations would need to be continued for the elimination of chemical weapons also. It has been recognised that, both in regard to the Convention on biological and toxin weapons and in respect of future negotiations concerning chemical weapons, the Geneva Protocol of 1925 should be safeguarded and the inseparable link between prohibition of biological and chemical weapons should be maintained.

“3. India’s position on the Convention on biological and toxin weapons has been outlined in the statements of the representative of India before the Conference of the Committee on Disarmament (CCD) and the First Committee of the General Assembly.

“4. The Government of India would like to reiterate in particular its understanding that the objective of the Convention is to eliminate biological and toxin weapons, thereby excluding completely the possibility of their use, and that the exemption in regard to biological agents or toxins, which would be permitted for prophylactic, protective or other peaceful purposes would not, in any way, create a loophole in regard to the production or retention of biological and toxin weapons. Also, any assistance which might be furnished under the terms of the Convention, would be of medical or humanitarian nature and in conformity with the Charter of the United Nations.

“5. India’s support to the Convention on biological and toxin weapons is based on these main considerations. It is India’s earnest hope that the Convention will be adhered to by all States, including all the major Powers, at a very early date.”

At the time of deposit of India’s ratification, the Ambassador of India made the following oral statement:

“The Government of India’s position on the Convention . . . has already been made clear on the occasion of its signature.”

⁹ A statement made by the Government of Ireland on the occasion of its signature of the Convention was transmitted to the Secretary of State in a note from the Irish Ambassador dated April 7, 1972 and reads as follows:

“The Ambassador of Ireland presents his compliments to the Honorable the Secretary of State and with reference to the Secretary’s note of the 29th March regarding the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, which was commended by a resolution adopted by the General Assembly of the United Nations on the 16th December, 1971, has the honor to state that the Government of Ireland wishes to make a statement as follows on the occasion of the signature of the Convention on the 10th April:-

“DECLARATION

““The accession on 29th August, 1930, of the Government of the Irish Free State to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, opened for signature at Geneva on 17th June, 1925, was subject to the reservations that they did not intend to assume, by this accession, any obligation except towards States which had signed and ratified this Protocol or which would have finally acceded thereto, and that in the event of the armed forces of any enemy State or of an ally of such State failing to respect the said Protocol, the Government of the Irish Free State would cease to be bound by the said Protocol towards any such State.

““The Government of Ireland recognise that the value of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, which has been signed on their behalf today, could be undermined if reservations made by Parties to the 1925 Geneva Protocol were allowed to stand as the prohibition of possession is incompatible with the right to retaliate. As this Convention purports to strengthen the Geneva Protocol, there should be an absolute and universal prohibition of the use of the weapons in question.

““The Government of Ireland, accordingly, have notified the depositary Government for the 1925 Geneva Protocol of the withdrawal of their reservations to the Protocol. The withdrawal of these reservations applies to chemical as well as to bacteriological (biological) and toxin agents of warfare.’

“The Ambassador of Ireland avails himself of this opportunity to renew to the Honorable the Secretary of State the assurances of his highest consideration.”

¹⁰ The Kuwaiti ratification was accompanied by the following understanding:

““In ratifying the Convention on the Prohibition of Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 1972, the Government of the State of Kuwait takes the view that its ratification of the said Convention does not in any way imply its recognition of Israel, nor does it oblige it to apply the provisions of the aforementioned Convention in respect of the said country.

““In tendering this ‘Understanding’ the Government of the State of Kuwait reaffirms its position in accepting the obligations it has undertaken to assume by virtue of its ratification of the said Convention. It also confirms that the last clause of the ‘Understanding’ does not prejudice the said indivisible obligations.””

¹¹ Date of receipt of notification of succession by Macedonia; the former Socialist Federal Republic of Yugoslavia signed the Convention on April 10, 1972 and deposited an instrument of ratification on October 25, 1973.

¹² Instrument of ratification by Malaysia accompanied by the following reservation:

“Malaysia’s ratification of this Convention does not in any way constitute recognition of the States of Israel and South Africa nor does it consider itself duty bound by Article VII to provide assistance to those two States.”

¹³ At the time of signature, the Ambassador of Mexico, in a note dated April 10, 1972, made certain statements for the record. A translation of the Ambassador’s note reads as follows:

“Mr. Secretary:

“On proceeding to the signature in the name of my Government of the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, I am informing Your Excellency that the Government of Mexico wishes to state for the record that:

“1. It remains convinced that the same reasons that made advisable the joint prohibition on the use of biological weapons and chemicals in the Geneva Protocol of 1925 exist now for endeavoring to follow an identical method regarding the prohibition of the development, production, and stockpiling of such weapons and their elimination from the arsenals of all States.

“2. It considers that the fact that the Convention now open for signature applies only to biological and toxin weapons should be considered, in accordance with the explicit provisions of resolution 2826 (XXVI) of the United Nations General Assembly, to which the Convention itself is annexed, as only a first step—the only one that can possibly be taken for the moment—toward achievement of an agreement that will similarly prohibit the development, production, and stockpiling of all chemical weapons.

“3. It notes that the Convention contains an express commitment to continue negotiations in good faith with a view to reaching early agreement on the prohibition of the development, production, and stockpiling of chemical weapons and on their destruction.

“4. It also notes that the General Assembly, in its resolution 2827 (A) (XXVI) requested the Conference of the Committee on Disarmament to continue, as a high priority item, negotiations with a view to achieving promptly the agreement sought on chemical weapons, and that in its resolution 2827 (B) (XXVI) it urged all States to undertake, pending achievement of such agreement, to refrain from all development, production, or stockpiling of those chemical agents for weapons purposes which because of their degree of toxicity have the highest lethal effects and are not usable for peaceful purposes.

“5. It is convinced that the success of the Convention on biological weapons will depend in the last instance on the outcome of the commitments referred to above.

“I avail myself of this opportunity to renew to Your Excellency the assurances of my very high and distinguished consideration.”

¹⁴ The instrument of accession by Moldova includes a statement characterized as a reservation, the unofficial translation of which, provided by Moldova, reads as follows:

“Until the full establishment of the territorial integrity of the Republic of Moldova, the provisions of the Convention will be applied only on the territory effectively controlled by the authorities of the Republic of Moldova.”

¹⁵ The instrument of ratification by the Netherlands states that the ratification is on behalf of the Kingdom in Europe and the Netherlands Antilles.

The Royal Netherlands Embassy in Washington transmitted to the Department of State a diplomatic note, dated January 9, 1986, which reads as follows:

“The Royal Netherlands Embassy presents its compliments to the Department of State and has the honor to request the Department’s attention for the following with respect to the Department’s capacity of depositary of [the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction].

“Effective January 1, 1986 the island of Aruba – formerly part of the Netherlands Antilles – obtained internal autonomy as a country within the Kingdom of The Netherlands. Consequently the Kingdom of The Netherlands as of January 1, 1986 consists of three countries, to wit: the Netherlands proper, the Netherlands Antilles and Aruba. “Since the abovementioned event concerns only a change in internal constitutional relations within the Kingdom of The Netherlands, and as the Kingdom as such, under international law, will remain the subject with which treaties are concluded, the aforementioned change will have no consequences in international law with regard to treaties concluded by the Kingdom, the application of which (treaties) were extended to the Netherlands Antilles, including Aruba.

“These treaties, thus, will remain applicable for Aruba in its new status as autonomous country within the Kingdom of The Netherlands effective January 1, 1986.

“Consequently the [Convention] to which the Kingdom of the Netherlands is a Party, and which [has] been extended to the Netherlands Antilles will as of January 1, 1986 apply to all three countries of the Kingdom of The Netherlands.

“The Embassy would appreciate if the other Parties concerned would be notified of the above.

“The Royal Netherlands Embassy avails itself of this opportunity to renew to the Department of State the assurance of its highest consideration.”

The Royal Netherlands Embassy in Washington transmitted to the Department of State a diplomatic note, dated October 6, 2010, which reads in pertinent part as follows:

“The Kingdom of the Netherlands currently consists of three parts: the Netherlands, the Netherlands Antilles and Aruba. The Netherlands Antilles consists of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba. “With effect from 10 October 2010, the Netherlands Antilles will cease to exist as a part of the Kingdom of the Netherlands. From that date onwards, the Kingdom will consist of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, as Aruba and, up to 10 October 2010, the Netherlands Antilles do.

“These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles; these agreements will continue to apply to Curaçao and Sint Maarten.

“The other islands that have until now formed part of the Netherlands Antilles – Bonaire, Sint Eustatius and Saba – will become part of the Netherlands, thus constituting ‘the Caribbean part of the Netherlands’. The agreements that now apply to the Netherlands Antilles will also continue to apply to these islands; however, the Government of the Netherlands will now be responsible for implementing these agreements.”

¹⁶ The Convention was signed and ratified by the former Union of Soviet Socialist Republics. By a note dated January 13, 1992, the Russian Federation informed the United States Government that it “continues to perform the rights and fulfill the obligations following from the international agreements signed by the Union of Soviet Socialist Republics.”

¹⁷ Effective date of succession to the Convention by the Federal Republic of Yugoslavia is April 27, 1992; the former Socialist Federal Republic of Yugoslavia signed the Convention on April 10, 1972 and deposited an instrument of ratification on October 25, 1973. The Federal Republic of Yugoslavia changed its name to Serbia and Montenegro on February 4, 2003.

¹⁸ Effective date of succession by the Slovak Republic is January 1, 1993; the former Czechoslovakia signed the Convention on April 10, 1972 and deposited an instrument of ratification on April 30, 1973. On December 31, 1992, at midnight, Czechoslovakia ceased to exist and was succeeded by two separate and independent states, the Czech Republic and the Slovak Republic.

¹⁹ Date of receipt of notification of succession by Slovenia; the former Socialist Federal Republic of Yugoslavia signed the Convention on April 10, 1972 and deposited an instrument of ratification on October 25, 1973.

²⁰ The Government of Switzerland made three declarations at the time of signature, the texts of which were transmitted to the Secretary of State in the Swiss Ambassador's note of April 7, 1972. A translation of the Ambassador's note reads as follows:

"The Ambassador of Switzerland presents his compliments to His Excellency the Secretary of State and, with reference to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, which will be signed April 10, 1972 by Switzerland, has the honor to inform him that the Swiss Government will make the three following declarations at the time of signature:

"1. In Switzerland, the Convention will not be submitted to the parliamentary procedure of approval preceding ratification until it has achieved the degree of universality deemed necessary by the Swiss Government.

"2. Owing to the fact that the Convention also applies to weapons, equipment or means of delivery designed to use such biological agents or toxins, the delimitation of its scope of application can cause difficulties since there are scarcely any weapons, equipment or means of delivery peculiar to such use; therefore, Switzerland reserves the right to decide for itself what auxiliary means fall within that definition.

"3. By reason of the obligations of its status as a perpetually neutral State, Switzerland is bound to make the general reservation that its collaboration within the framework of this Convention cannot go beyond the terms prescribed by that status. This reservation refers especially to Article VII of the Convention as well as to any similar clause that could replace or supplement that provision of the Convention (or any other arrangement).

"On ratification of the aforesaid Convention, the last two declarations will be repeated as formal reservations.

"The Ambassador of Switzerland avails himself of this occasion to renew to His Excellency the Secretary of State the assurances of his high consideration."

The Swiss ratification contains the following declarations, which, in translation, read as follows:

"1. Owing to the fact that the Convention also applies to weapons, equipment or means of delivery designed to use such biological agents or toxins, the delimitation of its scope of application can cause difficulties since there are scarcely any weapons, equipment, or means of delivery peculiar to such use; therefore, Switzerland reserves the right to decide for itself what auxiliary means fall within that definition.

"2. By reason of the obligations resulting from its status as a perpetually neutral State, Switzerland is bound to make the general reservation that its collaboration within the framework of this Convention cannot go beyond the terms prescribed by that status. This reservation refers especially to Article VII of the Convention as well as to any similar clause that could replace or supplement that provision of the Convention (or any other arrangement)."

The views of the Government of the United States of America with regard to Reservation No. 1 quoted above, are contained in the Secretary of State's note to the Ambassador of Switzerland dated August 18, 1976, the text of which reads as follows:

"The Secretary of State presents his compliments to His Excellency the Ambassador of Switzerland and has the honor to refer to the deposit on May 4, 1976, of the instrument of ratification by the Government of Switzerland of the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, which was done at Washington, London and Moscow on April 10, 1972. It is noted that the instrument of ratification contains the following reservations:

1. Du fait que la Convention s'applique aussi aux armes, à l'équipement ou aux vecteurs destinés à l'emploi des agents biologiques ou des toxines, la délimitation de son champ d'application peut donner lieu à des difficultés, vu qu'il n'y a guère d'armes, d'équipement ou de vecteurs typiques à cet emploi. La Suisse se réserve dès lors de décider elle-même quels moyens auxiliaires tombent sous cette définition;

2. En raison des obligations résultant de son statut d'Etat perpétuellement neutre, la Suisse est tenue de faire la réserve de portée générale que sa collaboration dans le cadre de cette Convention ne peut aller au-delà de ce que ce statut lui impose. Cette réserve vise spécialement l'article VII de la Convention ainsi que toute clause analogue qui pourrait remplacer ou compléter cette disposition dans la Convention (ou dans un autre arrangement).

"As is stated in the first Swiss reservation, the Convention prohibits the development, production, or stockpiling of weapons, equipment, or means of delivery designed to use the prohibited agents or toxins for hostile purposes or in

armed conflict. In the view of the United States Government, this prohibition would apply only to (a) weapons, equipment and means of delivery the design of which indicated that they could have no other use than that specified, and (b) weapons, equipment and means of delivery the design of which indicated that they were specifically intended to be capable of the use specified. The Government of the United States shares the view of the Government of Switzerland that there are few weapons, equipment, or means of delivery peculiar to the uses referred to. It does not, however, believe that it would be appropriate, on this ground alone, for States to reserve unilaterally the right to decide which weapons, equipment or means of delivery fell within that definition. Therefore, while acknowledging the entry into force of the Convention between itself and the Government of Switzerland, the United States Government enters its objection to this reservation.

“As provided by Article XIV, paragraph 5, the Government of the United States is informing the States signatory and acceding to the Convention at Washington of the deposit of the ratification by Switzerland and the accompanying reservations.

“In the performance of the depositary duties of the Government of the United States under the Convention, similar circulation is being given to the present note.”

²¹ The ratification by the United Kingdom states that the Convention is ratified “in respect of the United Kingdom of Great Britain and Northern Ireland, Dominica and Territories under the territorial sovereignty of the United Kingdom, as well as the State of Brunei, the British Solomon Islands Protectorate and, within the limits of the United Kingdom jurisdiction therein, the Condominium of New Hebrides.”

In addition, a note from the British Minister, dated March 26, 1975, addressed to the Secretary of State, declares “that the provisions of the Convention shall not apply in regard to Southern Rhodesia unless and until the Government of the United Kingdom informs the other depositary Governments that it is in a position to ensure that the obligations imposed by the Convention in respect of that territory can be fully implemented.”

By note dated June 11, 1997, the Ambassador of the United Kingdom of Great Britain and Northern Ireland informed the Secretary of State as follows:

“I am instructed by Her Britannic Majesty’s Principal Secretary of State for Foreign and Commonwealth Affairs to refer to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction done at London/Moscow/Washington on 10 April 1972 (hereinafter referred to as the “Convention”) which applies to Hong Kong at present.

“I am also instructed to state that, in accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People’s Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from application of the Convention to Hong Kong.

“I should be grateful if the contents of this Note could be placed formally on record and brought to the attention of the other Parties to the Convention.

“I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.”

²² The former Republic of Vietnam signed the Convention at Washington on April 10, 1972. The Socialist Republic of Vietnam deposited an instrument of accession to the Convention at Moscow on June 20, 1980.

²³ The former Yemen Arab Republic signed the Convention at Washington on April 10, 1972. The former People’s Democratic Republic of Yemen signed and deposited an instrument of ratification of the Convention at Moscow on April 26, 1972 and June 1, 1979, respectively. The Yemen Arab Republic and the People’s Democratic Republic of Yemen merged on May 22, 1990 to form the Republic of Yemen.